

ADAM R. SCHWARTZ
aschwartz@mdmc-law.com

June 20, 2024

By PACER ECF

Honorable Jennifer E. Willis
United States Magistrate Judge
Southern District of New York
40 Foley Square, Room 425
New York, New York 10007

Re: *Trisura v. Bighorn Construction and Reclamation, LLC, et al.*
USDC SDNY Case No.: 1:23-cv-11053-GHW-JW

Dear Honorable Madam:

We represent Plaintiff, Trisura Insurance Company (“Trisura”). By Order dated April 17, 2024, Your Honor awarded Trisura attorneys’ fees as a condition to vacating certain Defendants’ default, and directed that the parties confer as to the amount of fees payable to Trisura. On May 16, 2024, the parties agreed in writing that the Defendants who had defaulted would pay Trisura \$5,000.00 in attorneys’ fees pursuant to Your Honor’s Order.

Despite repeated demands for the agreed upon payment, same has not been forthcoming, nor has a response been received from Defendants’ counsel as to why payment has not been forthcoming. In our prior May 24th letter, we asked the Court to hold Plaintiff’s fee application in abeyance pending payment by Defendants. However, it has been 35 days since we resolved the amount of fees with Defendants’ counsel subject to our receipt of payment. Therefore, we reluctantly submit this letter to request the Court’s intervention to schedule a brief conference call to address this matter, in an effort to conserve the Court’s resources and to avoid additional motion practice to enforce Your Honor’s Order. We will make ourselves available at the Court’s earliest convenience.

McElroy Deutsch

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We note that Defendant Bighorn Construction and Reclamation, LLC has filed for bankruptcy protection, and this letter is not applicable to that Defendant

Respectfully submitted,

MCELROY, DEUTSCH, MULVANEY & CARPENTER LLP
Attorneys for Plaintiff

By: /s/ Adam R. Schwartz
John W. Morris
Adam R. Schwartz
Dennis O'Neil Cowling
225 Liberty Street, 36th Floor
New York, New York 10281
(212) 483-9490 (Telephone)
jmorris@mdmc-law.com
aschwartz@mdmc-law.com
dcowling@mdmc-law.com

cc: Counsel for Defendants via PACER ECF